

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 29, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JARED ANTHONY WINTERER,

Plaintiff,

v.

UNITED STATES,

Defendant.

NO: 2:24-CV-00214-RMP

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH
FILING FEE REQUIREMENTS

By Order filed July 25, 2042, the Court directed Plaintiff Jared Anthony Winterer, a *pro se* prisoner at the Washington Corrections Center in Shelton, Washington, to submit a completed Declaration and Application to Proceed *In Forma Pauperis*, along with a certified copy of his six-month inmate trust account statement (or institutional equivalent) for the period immediately preceding June 20, 2024, within thirty days of the date of that Order. ECF No. 4 at 2. In the alternative, Plaintiff was advised that he could pay the full \$405.00 filing fee. *Id.*

The Court cautioned Plaintiff that his failure to comply with either option would result in the dismissal of this case. *Id.* Plaintiff has neither paid the filing

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1 fee nor submitted the documents necessary to proceed *in forma pauperis* by the
2 due date of August 26, 2024.

3 Parties filing actions in the United States District Court are required to pay
4 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
5 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28
6 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of
7 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th
8 Cir. 1995) (district court has authority to dismiss without prejudice prisoner
9 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890
10 (9th Cir. 1992) (affirming dismissal of appeal of *pro se* litigant for failure to pay
11 required filing fees).

12 Accordingly, **IT IS ORDERED** that this action is **DISMISSED** without
13 prejudice for failing to pay the filing fee or filing a properly completed Application
14 to Proceed *In Forma Pauperis* pursuant to 28 U.S.C. §§ 1914(a) and 1915(a).

15 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
16 Order, enter judgment, forward copies to Plaintiff at the address provided, and
17 **CLOSE** the file. The Court certifies that an appeal of this Order could not be
18 taken in good faith.

19 **DATED** August 29, 2024.

20 _____
21 *s/ Rosanna Malouf Peterson*
ROSANNA MALOUF PETERSON
Senior United States District Judge

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